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Counsel for Respondents GRANITE STATE
INSURANCE COMPANY, NEW HAMPSHIRE
INSURANCE COMPANY and THE INSURANCE
COMPANY OF THE STATE OF PENNSYLVANIA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLEARWATER INSURANCE
COMPANY,

Petitioner,

vs.

GRANITE STATE INSURANCE
COMPANY, NEW HAMPSHIRE
INSURANCE COMPANY, and THE
INSURANCE COMPANY OF THE
STATE OF PENNSYLVANIA,

Respondents.

Case Nos: C06 4472 (SI)
C06 4500 (SI)
C06 4501 (SI)
C06 4502 (SI)

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND
REQUEST TO VACATE OR CONTINUE
CASE MANAGEMENT CONFERENCE**

**Date: October 27, 2006
Time: 2:00 p.m.
Dept: Courtroom 10
Hon. Susan Illston**

Craig & Winkelman LLP

1 The parties in the above-entitled actions jointly submit this Case Management Statement
2 and request to vacate or continue the Case Management Conference in this case, as further set
3 forth below.

4 The four petitions to compel arbitration, referenced above, arise out of a series of disputes
5 between Clearwater Insurance Company ("Petitioner") and Granite State Insurance Company,
6 New Hampshire Insurance Company and The Insurance Company of the State of Pennsylvania
7 (collectively "Respondents") pursuant to arbitration clauses in four reinsurance agreements.

8 Both Petitioner and Respondents agree that, under the terms of the four reinsurance
9 agreements, their pending disputes are subject to arbitration in accordance with the Federal
10 Arbitration Act, 9 U.S.C. Section 4. By these petitions, Petitioner sought an order compelling the
11 appointment of a third arbitrator under the procedure set forth in the reinsurance agreements at
12 issue. Respondents opposed the Petitions on procedural grounds, but does not contend that the
13 underlying disputes are subject to arbitration.

14 The Petitions came on regularly for hearing on September 29, 2006, and the Court's order
15 was filed on October 2, 2006, directing the parties to exchange slates of third arbitrator
16 candidates, in accordance with the procedures set forth in the agreements, by November 1, 2006.
17 *10/02/06 Order, p. 5:1-6.*

18 In the meantime, a Case Management Conference has been scheduled in all four cases for
19 October 27, 2006. The parties have not filed a Stipulation and Proposed Order selecting an
20 ADR process, or exchanged initial disclosures under Rule 26(f) of the Federal Rules of Civil
21 Procedure, or developed a proposed discovery plan or trial schedule, because none of these
22 procedural mechanisms will apply to this dispute. Instead, due to the nature and limited scope of
23 the relief sought by these Petitions, the parties hereby jointly request that Court vacate the
24 scheduled Case Management Conference, or continue the Case Management Conference until
25 after the parties have proceeded with the exchange of arbitrator candidate slates under the
26 schedule set forth in the Court's October 2, 2006 Order.

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Craig & Winkelman LLP

Respectfully submitted,
CRAIG & WINKELMAN LLP

DATED: 10/05/06

By: Robin D. Craig
Robin D. Craig, Esq.
Counsel for Petitioner CLEARWATER
INSURANCE COMPANY

Of Behalf of Counsel *pro hac vice*:
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DATED: 10/05/2006

MILBANK, TWEED, HADLEY & MCCLOY LLP

By: Michael Haravon
Michael Haravon, Esq.
Counsel for Respondents GRANITE STATE
INSURANCE COMPANY, NEW HAMPSHIRE
INSURANCE COMPANY and THE INSURANCE
COMPANY OF TH STATE OF PENNSYLVANIA

~~IT IS HEREBY ORDERED THAT the Case Management Conference presently scheduled
for October 27, 2006 at 2:00 p.m. is VACATED.~~

[OR]

IT IS HEREBY ORDERED THAT the Case Management Conference presently scheduled
for October 27, 2006 at 2:00 p.m. is CONTINUED to December 15, 2006 2 p.m.
, 2006 at _____

Dated: _____

Susan Illston
Hon. Susan Illston
Judge of the U.S. District Court